

GEORGE A. ZELCS (*pro hac vice*)
gzlcs@koreintillery.com

KOREIN TILLERY, LLC
205 North Michigan, Suite 1950
Chicago, IL 60601
Telephone: (312) 641-9750
Facsimile: (312) 641-9751

KARMA M. GIULIANELLI (SBN 184175)
karma.giulianelli@bartlitbeck.com
GLEN E. SUMMERS (SBN 176402)
glen.summers@bartlitbeck.com
JAMESON R. JONES (*pro hac vice pending*)
Jameson.jones@bartlitbeck.com
BARTLIT BECK LLP
1801 Wewetta St. Suite 1200,
Denver, Colorado 80202
Telephone: (303) 592-3100
Facsimile: (303) 592-3140

Counsel for Plaintiffs and the Proposed Class in Carr v. Google LLC, et al.

STEVE W. BERMAN (*pro hac vice*)
steve@hbsslaw.com
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Ave., Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Counsel for Plaintiffs and the Proposed Class in Pure Sweat Basketball, Inc. v. Google LLC, et al.

BONNY E. SWEENEY (SBN 176174)
bsweeney@hausfeld.com
HAUSFELD LLP
600 Montgomery Street, Suite 3200
San Francisco, CA 94104
Telephone: (415) 633-1908
Facsimile: (415) 358-4980

Counsel for Plaintiffs and the Proposed Class in Peekya App Services, Inc. v. Google LLC, et al.

[Additional counsel appear on signature page]

PEGGY J. WEDGWORTH (*pro hac vice*)
pwedgworth@milberg.com
MILBERG PHILLIPS GROSSMAN LLP
One Penn Plaza, Suite 1920
New York, New York 10119
Telephone: 212-594-5300
Facsimile: 212-868-1229

Counsel for Plaintiffs and the Proposed Class in Bentley v. Google LLC, et al.

PAUL J. RIEHLE (SBN 115199)
paul.riehle@faegredrinker.com
FAEGRE DRINKER BIDDLE & REATH LLP
Four Embarcadero Center, 27th Floor
San Francisco, CA 94111
Telephone: (415) 591-7500
Facsimile: (415) 591-7510

CHRISTINE A. VARNEY (*pro hac vice*)
cvarney@cravath.com
CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, New York 10019
Telephone: (212) 474-1000
Facsimile: (212) 474-3700

Counsel for Plaintiff Epic Games, Inc. in Epic Games, Inc. v. Google LLC, et al.

BRIAN C. ROCCA (221576)
brian.rocca@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1596
Telephone: (415) 442-1000
Facsimile: (415) 442-1001

Counsel for Defendants Google LLC, Google Ireland Limited, Google Commerce Ltd., Google Asia Pacific Pte. Ltd. and Google Payment Corp.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

EPIC GAMES, INC.,
Plaintiff,

v.

GOOGLE LLC et al.,
Defendants.

Case No. 3:20-cv-05671-JD

BENTLEY, et al.,
Plaintiffs,

v.

GOOGLE LLC et al.,
Defendants.

Case No. 3:20-cv-07079-JD

MARY CARR, et al.,
Plaintiffs,

v.

GOOGLE LLC et al.,
Defendants.

Case No. 3:20-cv-05761-JD

PURE SWEAT BASKETBALL, INC., et. al,
Plaintiffs,

v.

GOOGLE LLC et al.,
Defendants.

Case No. 3:20-cv-05792-JD

PEEKYA APP SERVICES, INC., et. al,
Plaintiffs,

v.

GOOGLE LLC et al.,
Defendants.

Case No. 3:20-cv-06772-JD

**STIPULATION AND [PROPOSED]
SCHEDULING AND PAGE LIMITS
FOR FORTHCOMING MOTION
PRACTICE**

Judge: Hon. James Donato

Pursuant to the Court’s instructions for the Parties in the above-captioned related actions (the “Related Actions”) to meet and confer to develop a revised and unified proposed scheduling order (*Epic Games Inc. v. Google LLC et al.*, Case No. 3:20-cv-05671-JD (“Epic”), ECF No. 82; *Mary Carr, et al. v. Google LLC et al.*, Case No. 3:20-cv-05761-JD (“Carr”), ECF No. 65; *Pure Sweat Basketball, Inc., et al. v. Google LLC et al.*, Case No. 3:20-cv-05792-JD (“Pure Sweat”), ECF No. 66; *Peekya App Services, Inc. v. Google LLC et al.*, Case No. 3:20-cv-06772-JD (“Peekya”), ECF No. 25; *Bentley et al. v. Google LLC et al.*, Case No. 3:20-cv-07079-JD (“Bentley”), ECF No. 25), Plaintiff Epic Games, Inc. in Epic (“Epic”); Plaintiffs Mary Carr, et al. in Carr (“Carr”); Plaintiffs Bentley, et al. in Bentley (“Bentley”) (Carr, together with Bentley, “Consumers”); Plaintiffs Pure Sweat Basketball, Inc., et al. in Pure Sweat (“Pure Sweat”); and Plaintiffs Peekya Services, Inc., et al. in Peekya (“Peekya”) (Peekya, together with Pure Sweat, “Developers”); and Defendants in the Related Actions Google LLC; Google Ireland Limited; Google Commerce Ltd.; Google Asia Pacific Pte. Ltd; and Google Payment Corp. (collectively, “Google”) (Google, together with Epic, Consumers, and Developers, the “Parties”), by and through their undersigned counsel, hereby agree as follows:

A. PROPOSED CASE SCHEDULE

ACTIVITY	DATE
Initial Disclosures	November 9, 2020
Motion to Dismiss (re Epic and Developer Plaintiffs)	November 13, 2020
Opposition re Motion to Dismiss (re Epic and Developer Plaintiffs)	December 21, 2020
Reply re Motion to Dismiss (re Epic and Developer Plaintiffs)	January 20, 2021
Substantial Completion of Party Document Production ¹	June 16, 2021

¹ The parties agree to make rolling productions as soon as documents are ready to be produced.

1	Class Certification Motion With Expert Report	August 9, 2021
2	Class Certification Opposition With Expert Report	September 8, 2021
3		
4	Class Certification Reply With Expert Report	October 6, 2021
5	Class Certification Hearing (including expert testimony/hot tubbing if the Court requests)	Thursday, October 14, 2021
6		
7	Merits Expert Witness Disclosure (identity and topics for opening experts only)	October 25, 2021
8		
9	Fact Discovery Cut Off	October 25, 2021; reopens re class plaintiffs for 44 days after ruling on class certification
10		
11	Opening Expert Reports	October 29, 2021
12	Rebuttal Expert Reports	December 3, 2021
13	Expert Discovery Cut Off	December 17, 2021
14	Dispositive Motions/Daubert	December 22, 2021 (106 days before pretrial conference)
15		
16	Dispositive Motions/Daubert Opposition	January 28, 2022
17	Dispositive Motions Replies	February 10, 2022
18	Dispositive Motion Hearing and Expert Hot Tub	Thursday, February 24, 2022
19	Serve (but not file) Motions in Limine	March 10, 2022 (14 days prior to pretrial filings date)
20		
21	Pretrial Filing Date	March 24, 2022 (14 days prior to final pretrial conference)
22		
23	Final Pretrial Conference	April 7, 2022 (19 days before the start of trial)
24		
25	Trial – Order of trial(s) to be determined	April 26, 2022

B. PROPOSED PAGE LIMITS

As for briefing on the motion to dismiss, the briefs on common legal issues shall have the following page limits: 25 pages for an opening brief; 25 pages in joint opposition; 15 pages in reply. In addition, the parties shall each be entitled to file a separate 5 page opening or opposition or a 5 page (3 page if the party had filed a 5-page opening brief on the same issue) reply brief on any individual issues.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD

Dated: November 6, 2020

CRAVATH, SWAINE & MOORE LLP

Christine Varney
Katherine B. Forrest
Gary A. Bornstein
Lauren A. Moskowitz
M. Brent Byars

Respectfully submitted,

By: /s/ Yonatan Even
Yonatan Even

Counsel for Plaintiff Epic Games, Inc.

Dated: November 6, 2020

KOREIN TILLERY, LLC

George A. Zelcs
Robert E. Litan
Randall P. Ewing, Jr.
Jonathan D. Byrer
Stephen M. Tillery
Michael E. Klenov
Carol L. O'Keefe

BARTLIT BECK LLP

Karma M. Giulianelli
Glen E. Summers
Jameson R. Jones

Respectfully submitted,

By: /s/ Jamie L. Boyer
Jamie L. Boyer

*Counsel for Plaintiffs and the Proposed
Class in Carr v. Google LLC et al.*

1 Dated: November 6, 2020

HAGENS BERMAN SOBOL SHAPIRO LLP
Robert F. Lopez
Benjamin J. Siegel

2
3
4 Respectfully submitted,

5 By: /s/ Steve W. Berman
Steve W. Berman

6 *Counsel for Plaintiffs and the Proposed*
7 *Class in Pure Sweat Basketball v. Google*
8 *LLC et al.*

9
10 Dated: November 6, 2020

MILBERG PHILLIPS GROSSMAN LLP
Robert A. Wallner
Elizabeth McKenna
Blake Yagman
Michael Acciavatti

11
12
13 Respectfully submitted,

14 By: /s/ Peggy J. Wedgworth
Peggy J. Wedgworth

15 *Counsel for Plaintiffs and the Proposed*
16 *Class in Bentley, et al. v. Google LLC et al.*

1 Dated: November 6, 2020

HAUSFELD LLP
Melinda R. Coolidge
Katie R. Beran
Samantha J. Stein
Scott A. Martin
Irving Scher

2
3
4 Respectfully submitted,

5
6 By: /s/ Bonny E. Sweeney
Bonny E. Sweeney

7 *Counsel for Plaintiffs and the Proposed*
8 *Class in Peekya App Services, Inc. v.*
9 *Google LLC et. al*

10
11 Dated: November 6, 2020

MORGAN, LEWIS & BOCKIUS LLP
Sujal J. Shah
Michelle Park Chiu
Minna Lo Naranjo
Rishi P. Satia

12
13
14 Respectfully submitted,

15 By: /s/ Brian C. Rocca
Brian C. Rocca

16 *Counsel for Defendant Google LLC et. al*

17
18
19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20
21 DATED: _____

HON. JAMES DONATO
United States District Judge

E-FILING ATTESTATION

I, Brian C. Rocca, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Brian C. Rocca

Brian C. Rocca